SECOND ADMINISTRATIVE MOTION FOR SEALING ORDER Case No. 07-CV-03012-PVT or Attorneys' Eyes Only and filed under seal. As was the case with the original Memorandum, both of these documents are referenced in Dreamwell's Amended Memorandum.

As it did in its original Administrative Motion, Dreamwell notes that these materials have not been designated confidential by Zinus pursuant to a protective order, as required by Local Rule 79-5(a), because no protective order has been entered in the case. As a result, Dreamwell questions whether it is required to file this motion. However, out of an abundance of caution, Dreamwell has chosen to follow the provisions of Local Rule 79-5(d) and lodge its papers rather than filing them, even though Dreamwell believes both that the rule is inapplicable and that the information that Zinus seeks to have filed under seal does not meet the requirements for sealing information that are set forth in Local Rule 79-5.

Dreamwell did not have time to prepare and submit a redacted version of its Amended Memorandum, and is not certain which portions Zinus believes should be redacted. However, if the Court finds that any of the information in its papers is subject to being filed under seal, Dreamwell will submit a redacted version of its papers for filing in the public record within one business day of receiving any such order.

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DATED: February 13, 2008 PERKINS COIE LLP

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By 19 Kenneth B Wilson

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Attorneys for Defendant SIMMONS BEDDING COMPANY and Defendant and Counterclaimant 21 DREAMWELL, LTD.

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